

Amendments to the Drawings:

One of the attached drawings, sheet 5, includes a new drawing, labeled as FIG.

5. Support for the new drawing can be found in paragraphs 0004, 0010 and 0015. No new matter has been added in view of this new drawing. Replacement sheets to account for the new sheet count for the remaining drawings are also attached.

REMARKS/ARGUMENTS

Claims 1-7 and 9-21 remain pending in the application, as claim 8 has been canceled without prejudice. In the Office Action, the Examiner objected to the drawings. Applicants have attached a new drawing, support for which can be found in paragraphs 0004, 0010 and 0015, to account for the feature recited in claim 15. Replacement sheets are also attached to account for the new sheet count. Applicants have also amended the specification to accommodate the new drawing.

Also in the Office Action, claims 1, 3 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,845,264 to Nelhaus (Nelhaus). Claims 6, 8-10, 12, 13 and 16-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nelhaus. In addition, claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Nelhaus in view of U.S. Patent No. 5,979,941 to Mosher, Jr., et al. (Mosher) and U.S. Patent No. 6,036,064 to Tawil (Tawil). Claims 7 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nelhaus in view of Mosher, Tawil and U.S. Patent No. 5,967,562 to Tubbs, et al. (Tubbs). Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Nelhaus in view of Mosher and U.S. Patent Application Publication No. 2001/0025279 to Krulak, et al (Krulak). Finally, claims 5 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nelhaus in view of Mosher.

Independent claims 1 and 9 have been amended to clarify that at least some of the rules that are applied to indicate suitability are customized by the individual who will use the first and second objects. Support for the amendments can be found in

paragraph 0010, and no new matter has been added. None of the prior art references, particularly, Nelhaus, describe, show or suggest such an element. This feature can enable a user to customize the coordination rules to accommodate his or her tastes, something that is not contemplated by Nelhaus. In fact, Nelhaus teaches away from user customization because it is particularly concerned with the safety of elderly patients and seeks to protect them from the dangers of unsafe combinations of certain medications, as described in the background of that reference. User customization would increase the risks sought to be avoided in Nelhaus.

Independent claim 17 has been amended to clarify that a portable communication device reads information from the tag on a first food item and from the tag on at least a second ingestible item and retrieves data associated with the first food item and at least the second ingestible item. The claim has also been amended to clarify that the communication device retrieves rules relating to the use of the first food item and at least the second ingestible item and applies the rules to the use of the first food item and at least the second ingestible item. Support for the amendment can be found in paragraphs 0004, 0010 and 0015, and no new matter has been added.

None of the prior art references describe such a feature. Specifically, in Krulak, a user must first answer a series of questions to enable the system to prepare a menu tailored to the user's answers. In contrast with the claimed invention here, a user simply allows the portable communication device to read the information from the food item to receive feedback as to its compatibility with another item. Moreover, Krulak does not mention anything about determining the suitability of a food item with another ingestible item that is not necessarily food, such as a drug. Further, Applicants submit that any

attempt to combine the Nelhaus and Krulak references would be inappropriate because the scanning feature of Nelhaus directly contradicts the purpose of Krulak, the process of obtaining criteria from a user in an effort to generate a menu that is tailored to those criteria. In other words, Krulak envisions gathering information about the user's tastes and providing menu suggestions to that user, not automatically accepting a food item from a user to determine its suitability with another food item. To do so would obviate the primary focus of Krulak.

As such, Applicants submit that independent claims 1, 9 and 17 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.


In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola,
Inc.

Respectfully submitted,

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